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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)	
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Filing Date: November 8, 2022)	Case No.: PSH-23-0017
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_____)	

Issued: April 14, 2023

Administrative Judge Decision

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (hereinafter referred to as “the Individual”) to hold an access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual’s access authorization should not be restored.

I. Background

In late 2009, the Individual attended an outpatient alcohol treatment program (OTP). Exhibit (Ex.) 7 at 4. On October 19, 2018, the Individual began attending an Intensive Outpatient Program (IOP) for treatment of Alcohol Use Disorder (AUD), Severe, from which she was discharged on November 19, 2018, after testing positive on two urine alcohol tests and failing to attend a scheduled treatment session. Ex. 7 at 4–5. From November 23, 2018, to December 23, 2018, the Individual attended an inpatient treatment program (ITP) for treatment of her AUD. Ex. 7 at 37–38, 51; Ex. 9 at 40–41.

On April 26, 2021, the Individual submitted a Questionnaire for National Security Positions (QNSP) to the Local Security Office (LSO) in which she was required to report any past treatment for alcohol issues. Ex. 9 at 1, 39–41. In this QNSP, the Individual reported attending the OTP and the ITP but did not report her participation in the IOP. Ex. 9 at 40-41.

¹ Under the regulations, “[a]ccess authorization means an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). Such authorization will also be referred to in this Decision as a security clearance.

On May 26, 2021, an Office of Personnel Management (OPM) investigator conducted an Enhanced Subject Interview (ESI) of the Individual. Ex. 10 at 66. The resulting report prepared by the OPM investigator indicates that the Individual reported that she had received alcohol treatment in 2009 and in 2018. Ex. 10 at 69–70. While the OPM report specifically cites her treatment at the IPT it does not discuss her participation in the IOP. Ex. 10 at 69–70.

On May 8, 2022, the Individual responded to a Letter of Interrogatory (LOI) issued to her by the LSO to obtain information about her alcohol use and treatment. Ex. 6. In her response to the LOI, the Individual reported her participation in the IOP, as well as the OTP and ITP.² Ex. 6 at 4. The Individual also reported that she attended Alcoholics Anonymous (AA). Ex. 6 at 6. The Individual opined that she does not have a problem with alcohol and is able to “abstain and live more contentedly without it.” Ex. 6 at 3.

DOE Order 472.2 requires that individuals maintaining DOE access authorizations must report treatment for drug or alcohol abuse. DOE Order 472.2 at Attachment 4. Order 472.2 further provides that “[a]ll individuals have a specific obligation to report personnel security-related matters as they occur[.]” DOE Order 472.2 at ¶ 4.v. Since the Individual maintained a DOE security clearance in 2018, she was required to report her enrollment in the IOP and ITP to the LSO. The Individual did not report this information as required. Ex. 6 at 6. When confronted with her failure to comply with DOE Order 472.2 in the LOI, the Individual claimed that she was unaware of this requirement. Ex. 6 at 6.

Because of the security concerns raised by the Individual’s alcohol treatment, the LSO requested that the Individual undergo an evaluation by the Psychologist, who conducted a clinical interview (CI) of the Individual on June 16, 2022. Ex. 7 at 1. In addition to interviewing the Individual, the Psychologist reviewed the Individual’s personnel security file and records from the Individual’s prior alcohol treatment programs, administered the Minnesota Multiphasic Personality Inventory-Third Edition to the Individual, and had her undergo a Phosphatidylethanol (PEth) laboratory test to detect alcohol consumption. Ex. 7 at 2–7, 35–233. During the CI, the Individual represented to the Psychologist that her last consumption of alcohol occurred on June 5, 2022, and June 6, 2022, when she consumed a bottle of wine on both evenings. Ex. 7 at 4. The Individual’s June 16, 2022, PEth test was positive at a level of 1576 nanograms per milliliter (ng/mL), suggesting that the Individual engaged in very heavy alcohol consumption during the previous three to four weeks. Ex. 7 at 6–7. The Psychologist opined that this particularly high PEth test result contradicted the Individual’s report that her last alcohol consumption occurred approximately ten days before the test and consisted of two bottles of wine over two days. Ex. 7 at 7. The Individual admitted, during the CI, that she has repeatedly stopped drinking completely for months at a time only to eventually resume drinking. Ex. 7 at 4.

² The Individual’s LOI response stated that she had attended the IOP in “mid-2019.” Ex. 6 at 4. When she was subsequently evaluated by a DOE-contractor Psychologist (Psychologist) in June 2022, the Psychologist reported that the Individual’s treatment records from the IOP indicate that the Individual began attending the IOP on October 19, 2018, and was discharged from the IOP on November 19, 2018, after testing positive on two urine alcohol tests and failing to attend a scheduled treatment session. Ex. 7 at 4–5. The Individual’s LOI response did not explain why she was discharged from the IOP.

The Psychologist issued a report of her findings (the Report) on June 25, 2022, in which she found that the Individual had met the criteria set forth in the Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5) for AUD, Severe, and that the Individual was neither reformed nor rehabilitated. Ex. 7 at 8. The Psychologist recommended that the Individual enter a residential treatment program for at least 30 days and participate in an IOP. Ex. 7 at 8. The Psychologist also recommended the Individual abstain from alcohol use and undergo monthly PEth testing while participating in both programs. Ex. 7 at 8. The Psychologist further recommended that the Individual “remain in treatment for not less than 18 months” and that her “substantial dishonesty about her drinking should be addressed during her treatment.” Ex. 7 at 8.

After receiving the Report, the LSO began the present administrative review proceeding by issuing a Notification Letter to the Individual informing her that she was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding her eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), I took testimony from the Individual, the Individual’s Counselor, and the Psychologist. Transcript of Hearing, Case No. PSH-23-0017 (hereinafter cited as “Tr.”). The DOE Counsel submitted 10 exhibits marked as Exhibits 1 through 10. The Individual’s attorney submitted the following ten exhibits, marked as Exhibits A through J:

Exhibit A is a document from the Individual’s employer, indicating the Individual received an increase in salary, effective May 2021. Ex. A at 1.

Exhibit B is a Compensation Notice from the Individual’s employer, indicating the Individual received an increase in salary, effective December 2021. Ex. B at 1.

Exhibit C is a document from the Individual’s employer, indicating the Individual received an increase in salary, effective January 2017. Ex. C at 1.

Exhibit D is a Compensation Notice from the Individual’s employer, indicating the Individual received an increase in salary, effective January 2016. Ex. D at 1.

Exhibit E consists of documentation of the Individual’s performance evaluations from Fiscal Years 2017 to 2021. Ex. E at 1–125.

Exhibit F is a copy of the Individual’s resume. Ex. F at 1–6.

Exhibit G consists of five letters of recommendations. Ex. G. The first letter is from the Individual’s manager and indicates the Individual “can be depended on to approach difficult tasks with a positive attitude and is enjoyable to work with.” Ex. G at 1. The second letter is from the Individual’s personal trainer and indicates the Individual is “incredibly trustworthy, knowledgeable and dedicated,” and her “unfortunate circumstance is not a true representation of her character.” Ex. G at 2. The third letter is from the Individual’s friend and includes a summary of the Individual’s background. Ex. G at 3–4. The fourth letter is from another friend of the

Individual and indicates the Individual should “get her clearance reinstated so she can continue her efforts to support the crucial projects she supports.” Ex. G at 5. The fifth letter is from a social worker at a counseling and wellness center. The letter indicates the Individual has attended counseling sessions at the center since July 2022 and “has been motivated and involved in her treatment.” Ex. G at 6.

Exhibit H consists of four pictures of the Individual and her family. Ex. H at 1–4.

Exhibit I is a laboratory report indicating that a PEth test administered to the Individual on March 2, 2023, was negative. Ex. I at 1.

Exhibit J consists of an email from the Individual’s employer, indicating the Individual was nominated by her peers for an employee recognition award. Ex. J at 1–2.

II. The Summary of Security Concerns (SSC)

Attached to the Notification Letter was an SSC, in which the LSO raises security concerns under two Adjudicative Guidelines, E (Personal Conduct) and G (Alcohol Consumption).

Under Adjudicative Guideline E, the LSO cites the Individual’s failure to immediately report her alcohol-related treatment received in 2018, as required by DOE Order 472.2 and her omission of her IOP attendance from the QNSP and the ESI. This information adequately justifies the LSO’s invocation of Guideline E. Under Guideline E, “[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information.” Adjudicative Guidelines at ¶ 15. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern is the “[d]eliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities.” Adjudicative Guidelines at ¶ 16(a).

Under Adjudicative Guideline G the LSO cites the Psychologist’s finding that the Individual met the DSM-5 criteria for AUD, Severe, without adequate evidence of reformation or rehabilitation. This information adequately justifies the LSO’s invocation of Guideline G. Under Guideline G, “[e]xcessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual’s reliability and trustworthiness.” Adjudicative Guidelines at ¶ 21. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern is “diagnosis by a duly qualified . . . clinical psychologist . . . of alcohol use disorder.” Adjudicative Guidelines at ¶ 22(d).

III. Regulatory Standards

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and

security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. Hearing Testimony

At the hearing, the Individual’s Counselor testified that he is a licensed clinical social worker and a “trauma-informed therapist” trained in “relationship building and cognitive behavioral therapy.” Tr. at 14. He stated he started counseling the Individual on July 18, 2022, and he has sessions with the Individual about twice per month. Tr. at 15. He stated the focus of their counseling sessions is on managing the Individual’s stress and anxiety from her divorce and the conflict in her relationship with her ex-husband. Tr. at 16–18, 26–27. The Counselor also stated the Individual’s history of alcohol use has been discussed during treatment but admitted that he “did not have a diagnosis” for the Individual based on her alcohol use and that he is not treating the Individual for her AUD. Tr. at 21, 29.

The Counselor further testified that he knew the Individual entered an alcohol treatment program before seeking counseling with him. Tr. at 21–22. He stated the Individual told him about an inpatient treatment program she participated in for 20 days. Tr. at 22. He stated the Individual did not inform him of any previous unsuccessful treatment. Tr. at 23. He stated that he did not review records of the Individual’s prior treatment programs and has not seen the Psychologist’s Report. Tr. at 23–24. He stated that only 20 to 30 percent of his treatment is focused on the Individual’s use of alcohol, and he has not developed a plan for addressing the Individual’s alcohol use. Tr. at 25, 27.

In her testimony, the Individual provided a history of her alcohol use, explaining that she has had several significant periods of sobriety punctuated by relapses, which she attributed to anxiety and her difficult marriage. Tr. 43– 47. The Individual testified that she now intends to permanently abstain from alcohol use. Tr. at 55, 95. During her direct examination at the hearing, the Individual testified that she has abstained from alcohol use since October 2022.³ Tr. at 42. However, during cross-examination, she was asked “When was the last time you consumed alcohol?” She answered, “It was in October when I -- that -- when I had disclosed that to my therapist, and

³ On cross-examination she admitted that she had consumed two bottles of wine over a weekend during this relapse. Tr. at 80.

December where I had two glasses of wine in a social setting over Christmas.” Tr. at 79. The Individual testified that she felt social pressure to drink when she consumed alcohol in December. Tr. at 82–83, 88. The Individual admitted that these relapses occurred after she received the Psychologist’s report in June 2022. Tr. at 82. She believes she is making progress towards sobriety. Tr. at 90. The Individual admitted that she had not complied with the Psychologist’s recommendation that she attend another treatment program for at least 30 days and testified that she did not follow this recommendation because she had participated in three therapy programs in the past and did not believe those programs were addressing the issues behind her relapses. Tr. at 90–93, 97–98. The Individual admitted that she still experiences cravings for alcohol but noted she has been able to avoid consuming alcohol because she now has coping mechanisms in place. Tr. at 53–54, 96. The Individual admitted that she had missed work on occasion because she was experiencing effects from using alcohol, although she contended that these absences did not affect her job because she was able to get her work done in a timely manner. Tr. at 71–72, 76–79.

When the Individual was questioned by her counsel about her failure to report her treatment at the IOP and ITP in 2018 to the LSO, the Individual initially provided a non-responsive answer. Tr. at 34–35. Upon further questioning by her counsel, the Individual then claimed she was unaware of the requirement and then explained, “I felt like this was a very personal thing for me and so I didn’t disclose the reason I was taking the time off to my manager, at the time, or to any coworkers at the time, because something -- this was something that I was doing for myself. . . . It was very personal to me, so I didn’t disclose that to anyone at work.” Tr. at 35–36. During cross-examination, the Individual admitted that she had held a DOE security clearance since 2013 and had undergone annual security refresher courses each year. Tr. at 61. She then claimed that she did not remember the requirement to report alcohol treatment. Tr. at 61. Subsequently, she testified that she recalled that she was only required to report substance abuse issues “if you were having a problem at work with it.” Tr. at 66–67. When the Individual was asked why she did not disclose her treatment at the IOP during the ESI, the Individual testified that she did not think of her IOP treatment at the time of the ESI because she had not completed that treatment. Tr. at 38. The Individual testified that she did not disclose her IOP treatment in the QNSP for the same reason. Tr. at 38–39. She also stated that she didn’t report the IOP to the LSO because she believed her treatment records “would have carried through both therapies” and show she received treatment from both programs. Tr. at 37–39.

The Psychologist testified after listening to the two other witnesses’ testimony. She opined that the Individual has not demonstrated rehabilitation or reformation from her AUD, citing the recency of the Individual’s alcohol consumption, the Individual’s failure to comply with her treatment recommendations,⁴ the Individual’s lack of alcohol refusal skills, and the Individual’s reasons for drinking. Tr. at 109, 113. The Psychologist noted that the results of the Individual’s June 2022, PEth test was “alarming high,” so she determined the Individual needed to be in an inpatient setting to stay away from drinking. Tr. at 109. The Psychologist opined that the Individual’s present counseling is not sufficient to address her AUD because only 20 to 30 percent of the treatment is related to alcohol and the Counselor did not provide any credentials related to treating substance abuse during his testimony. Tr. at 110. The Psychologist opined that the Individual is still at risk to have relapses in the future. Tr. at 112. She opined that the Individual’s multiple relapses reveal

⁴ The Individual did not enroll in a second IOP or undergo monthly PEth testing. Tr. at 109. The Psychologist described the Individual’s failure to follow her treatment recommendations as a “red flag.” Tr. at 114.

that the Individual does not have “refusal skills” to use in social settings, and she stated the Individual did not “seem comfortable letting many people know that she has struggled with alcohol, even some of her references appear not to know that.” Tr. at 113. She stated the Individual believes she knows better than treatment professionals regarding what she needs. Tr. at 114.

V. Analysis

A. Guideline E

The Individual failed to report her treatment for AUD in 2018 to the LSO as required by DOE Order 472.2. Her testimony that she was unaware of this requirement lacks credibility because I find it difficult to believe that an individual as accomplished and intelligent as the Individual would not have recalled a requirement that she had been officially informed of during several annual security refresher briefings. In addition, the Individual has repeatedly failed to report her enrollment in the IOP, which ended in her being discharged from that program after testing positive on two urine alcohol tests and failing to attend a scheduled treatment session. Taken together, these facts suggest that the Individual was deliberately concealing the true extent of her alcohol issues from the LSO.

The Adjudicative Guidelines set forth seven factors that may mitigate security concerns under Guideline E, four of which are relevant to the present case.⁵ First, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline E if they “made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts.” Adjudicative Guidelines at ¶ 17(a). In the present case, the Individual made no effort to correct her failure to report her treatment at the OTP and ITP until two years later, when she filed her QNSP, and did not correct her omissions concerning her IOP treatment until almost a year after the ESI when she responded to the LOI. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 17(a).

Second, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline E if “refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes” and “[u]pon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.” Adjudicative Guidelines at ¶ 17(b). In the present case, there is no evidence in the record indicating that the Individual’s omission was caused or contributed to by the advice of legal counsel or some other professional. Accordingly, I find the Individual has not satisfied the mitigating condition set forth at ¶ 17(b).

Third, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline E if “[t]he offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment.” Adjudicative

⁵ The remaining mitigating factors under Guideline E, set forth at ¶ 17(e), (f), and (g), apply to circumstances other than the deliberate omission of information during the security clearance process or the failure to comply with DOE Order 472.2’s reporting requirements.

Guidelines at ¶ 17(c). In the present case, the Individual's omission, concealment, or falsification of relevant facts concerning her AUD and her failure to comply with the DOE's reporting requirements was long-standing, and continued even at the hearing in this case, where she provided contradictory and dubious testimony, therefore casting doubt on the Individual's present trustworthiness, reliability, and judgment. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 17(c).

Fourth, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline E if "[t]he individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur." Adjudicative Guidelines at ¶17(d). In the present case, the Individual's AUD, anxiety, and relationship issues may well constitute stressors, circumstances, or factors that contributed to her untrustworthy, unreliable, and inappropriate behavior. While the Individual has acknowledged her AUD, as I will discuss below, I have found that the Individual has not shown that she has been reformed or rehabilitated from her AUD. Therefore, even if I were to assume that her anxiety and relationship issues have been fully alleviated, the AUD remains as a significant stressor or factor leading to her inappropriate behavior. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 17(d).

For these reasons, I conclude that the Individual has not resolved the Guideline E security concerns raised by her failure to report her alcohol-related treatment at the time of her participation in 2018 and her omission of her IOP attendance from the QNSP and the ESI.

B. Guideline G

The Individual has been diagnosed with AUD and has a longstanding history of alcohol issues dating back to at least 2009. Since 2009, she has participated in at least three treatment programs. Despite her attendance at those programs, the Individual has a history of frequent relapses, the most recent of which occurred in late December 2022, less than three months prior to her hearing.

The Adjudicative Guidelines set forth four factors that may mitigate security concerns under Guideline G. First, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline G if they can show "so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment." Adjudicative Guidelines at ¶ 23(a). In the present case, as noted above, the Individual consumed alcohol less than three months before the hearing, which is not a sufficient period of time to demonstrate that her AUD has been resolved and that her alcohol consumption is unlikely to recur. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(a).

Second, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline G if "[t]he individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations." Adjudicative Guidelines at ¶ 23(b). In the present case, the Individual has acknowledged her pattern of problematic alcohol use and claims that she has abstained from using

alcohol for almost three months. However, as attested to by the Psychologist, a three-month period of abstinence is not sufficient to demonstrate a clear and established pattern of abstinence from alcohol, especially in light of the Individual's history. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(b).

Third, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline G if "the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse and is making satisfactory progress in a treatment program." Adjudicative Guidelines at ¶ 23(c). In the present case, the Individual has a history of treatment and relapse. Nor is she participating in a treatment program to address her AUD, as recommended by the Psychologist. Moreover, the Individual's relatively recent use of alcohol indicates that she has not shown satisfactory progress. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(c).

Fourth, the Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline G if "the individual has successfully completed a treatment program along with any required aftercare and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations." Adjudicative Guidelines at ¶ 23(d). As noted above, the Individual has not established a pattern of modified consumption or abstinence from alcohol. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(d).

I therefore find that the security concerns raised by the Individual's AUD diagnosis under Guideline G have not been resolved.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines E and G of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a commonsense manner, I find that the Individual has not mitigated the security concerns raised under either Guideline. Accordingly, the Individual has not demonstrated that restoring her security clearance would not endanger the common defense and would be clearly consistent with the national interest. Therefore, the Individual's security clearance should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Steven L. Fine
Administrative Judge
Office of Hearings and Appeals